CAUSE NO. 2006-12-B8515-CV

§

College

PROPERTY OWNERS ASSOCIATION OF TERLINGUA RANCH, INC.,

Plaintiff

MARION CRAIG SUBER,

V,

Defendant.

IN THE DISTRICT COURT OF

A! 11:34_0'clock__ft_A

JUN 2 1 2012 394th JUDICIAL DISTRICT

JO ANN SAL GADO

BREWSTER COUNTY, TEXAS

FINAL JUDGMENT

This cause came on for trial on Monday, January 9, 2012. No jury having been demanded, all issues were tried to the Court. Plaintiff Property Owners Association of Terlingua Ranch, Inc. ("POATRI") appeared and was represented by its attorney of record Jeffrey Thomason. Defendant Marion Craig Suber appeared and was represented by his attorneys of record Pat Long Weaver, Keith J. Valentine and Arvil Rod Ponton.

Having considered all the evidence and the arguments of counsel,

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that:

- 1. All roads in Terlingua Ranch, save and except the dedicated road to the Terlingua Ranch Lodge, and Texas State Highway 118 are privately owned roads, not public roads.
- 2. POATRI's easements with respect to private roads on Terlingua Ranch are limited to purposes for maintenance and utilities.

FINAL JUDGMENT

H:\DOC\$\4047\1\PLEADING\$\FINAL JUDGMENT.DOCX

Page 1 of 3

- 3. Marion Craig Suber has the right to erect and maintain gates across roads entering or crossing his property, to the extent same are capable of being opened and closed.
- 4. POATRI cannot define or create ingress or egress rights of Property Owners in Terlingua Ranch on the private roads of the ranch.
- 5. POATRI cannot grant rights to access to any Property Owner or invitee on the private roads of Terlingua Ranch.
 - 6. The roads traversing the property of Marion Craig Suber are private roads.
- 7. The limited purpose of POATRI's easement rights for road maintenance and utilities is not frustrated by gates, locked or unlocked, as long as POATRI is provided a means of access.
- 8. Marion Craig Suber's gates, as long as they are capable of being opened and closed, are reasonable as a matter of law.
- 9. Marion Craig Suber's request to recover reasonable attorneys and necessary fees is granted as follows: \$10,000.00 for prosecution of the trial, payable to the Court; \$35,000.00 for any successful appeal to the Court of Appeals; and \$30,000.00, for any successful appeal to the Supreme Court.
- 10. All relief not expressly granted herein is DENIED, and this Judgment shall dispose of all issues pending on this matter between POATRI and Marion Craig Suber, and this Judgment shall be FINAL as to such issues and parties.

SIGNED this 19 day of 500, 2012.

HÓNORÁBLE STEPHEN B. ABLES

Judge Presiding

FINAL JUDGMENT

HI\DOC\$\4047\I\PLEADING\$\FINALJUDGMENT.DOCX

Page 2 of 3

APPROVED AS TO FORM ONLY WITHOUT WAIVING RIGHT TO COMPLAIN ON APPEAL:

JEFFREY F. THOMASON,

Attorney for Plaintiff Property Owners Association of Terlingua Ranch, Inc.

PATILONG WEAVER, Attorney for Defendant Marion Craig Suber

FINAL JUDGMENT

H:\DOC\$\4047\I\PLEADING\$\FINALJUDGMENT.DOCX

Page 3 of 3

FROM STUBBEMAN ET AL

6 7 2010 12:56/8T. 12:54/NO. 8480013407 P 5

APPROVED AS TO FORM ONLY WITHOUT WAIVING RIGHT TO COMPLAIN ON APPEAL:

JEFFREY WITHOMASON, Attorney for Plaintiff Property Owners Association of Terlingua Ranch, Inc.

PAT LONG WEAVER, Attorney for Defendant Marion Craig Suber

FINAL JUDGMENT

H:\DOCS\4047\1\PLEADINGS\FINALJUDGMENT.DOCX

Page 3 of 3